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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 WARREN E. BELL,  
10 Plaintiff,

11 v.

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13 JEANETTE FISCHER, *et al.*,  
14 Defendants.

Case No. C18-0006 RSM

ORDER GRANTING DEFENDANT  
SCORE'S MOTION FOR SUMMARY  
JUDGMENT

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16 **I. INTRODUCTION**

17 This matter comes before the Court on Defendant SCORE Jail's ("SCORE") Motion for  
18 Summary Judgment. Dkt. #22. Defendant seeks dismissal of Plaintiff's claims against it,  
19 asserting that his claim lacks any legal or factual basis. *Id.* Plaintiff essentially responds that  
20 Defendant is lying. Dkts. #25 and #26. For the reasons set forth below, the Court disagrees with  
21 Plaintiff, and GRANTS Defendant's Motion for Summary Judgment.  
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24 **II. BACKGROUND**

25 Plaintiff initially filed this action on December 5, 2017, in King County Superior  
26 Court. Dkt. #1-1. In his Complaint, Plaintiff alleges that he was falsely arrested on May  
27 29, 2017, and booked into the Snohomish County Jail, but then immediately taken to  
28 Swedish Hospital to address his medical concerns. Dkt. #1-1 at ¶¶ 1.1, 4.1 and 4.2. He  
29 further alleges that he was returned to the Snohomish County jail, but was transferred on  
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1 May 31, 2017, to SCORE. Dkt. #1-1 at ¶¶ 1.2 and 4.3. He alleges that SCORE medical  
2 staff then involuntarily placed him in administrative segregation with no explanation. *Id.* at  
3 ¶¶ 1.3 and 4.4. He further alleges that he spent three days in administrative segregation, he  
4 requested an explanation twice by kite as to why he was in administrative segregation, all  
5 he received in return was a notice of inmate move to restricted housing, and he never  
6 received a due process hearing. *Id.* at ¶ 4.4. He was then released from SCORE on June 2,  
7 2017. *Id.* at ¶¶ 1.5 and 4.6.

10 The record in this case reveals the following. Plaintiff was booked into SCORE Jail  
11 on May 31, 2017, at approximately 1:00 p.m. Dkt. #23 at ¶ 3. He was released less than 48  
12 hours later, on June 2, 2017, at 12:15 p.m. *Id.* On May 31st, Plaintiff was initially housed  
13 in the general population in cell S3 Mezzanine 13, at approximately 2:46 p.m. *Id.* About  
14 one hour later, at 3:50 p.m., he was moved to the Medical Unit, “M 10.” *Id.* According to  
15 Defendant, if Plaintiff had been placed in administrative segregation, his cell would have  
16 been N1 or S7. *Id.*

19 SCORE’s *Custody Manual* allows the jail to move inmates to “Restricted Housing,”  
20 which includes administrative segregation, disciplinary detention, and Medical/Mental  
21 Health Housing. *Id.* at ¶ 5. The “ad-seg” housing is for those awaiting the outcome of a  
22 disciplinary infraction, and those who have a history of misconduct that requires long term,  
23 restricted housing. According to Defendant, Plaintiff was in neither situation, nor had he  
24 been found culpable of a disciplinary code section that would have placed him in  
25 “disciplinary detention.” *Id.*

28 Plaintiff had been incarcerated three times previously, in 2012, 2013 and 2014. *Id.*  
29 at ¶ 11. In November 2012, he was sentenced to 184 days at SCORE, during which time he  
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1 had been housed in the Medical Unit. *Id.* Accordingly, Defendant asserts that Plaintiff was  
2 aware of what the Medical Unit looked like. *Id.*

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4 Defendants removed this action to this Court on January 3, 2018. Dkt. #1. Plaintiff  
5 filed a motion for remand, which was denied. Dkts. #10 and #18. The instant motion  
6 followed.

### 7 8 **III. DISCUSSION**

#### 9 **A. Legal Standard on Summary Judgment**

10 Summary judgment is appropriate where “the movant shows that there is no genuine  
11 dispute as to any material fact and the movant is entitled to judgment as a matter of law.”  
12 Fed. R. Civ. P. 56(a); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247 (1986). In ruling  
13 on summary judgment, a court does not weigh evidence to determine the truth of the matter,  
14 but “only determine[s] whether there is a genuine issue for trial.” *Crane v. Conoco, Inc.*, 41  
15 F.3d 547, 549 (9th Cir. 1994) (citing *Federal Deposit Ins. Corp. v. O’Melveny & Meyers*,  
16 969 F.2d 744, 747 (9th Cir. 1992)). Material facts are those which might affect the  
17 outcome of the suit under governing law. *Anderson*, 477 U.S. at 248.

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19 The Court must draw all reasonable inferences in favor of the non-moving party.  
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21 See *O’Melveny & Meyers*, 969 F.2d at 747, *rev’d on other grounds*, 512 U.S. 79 (1994).  
22 However, the nonmoving party must make a “sufficient showing on an essential element of  
23 her case with respect to which she has the burden of proof” to survive summary judgment.  
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25 *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Further, “[t]he mere existence of a  
26 scintilla of evidence in support of the plaintiff’s position will be insufficient; there must be  
27 evidence on which the jury could reasonably find for the plaintiff.” *Anderson*, 477 U.S. at  
28 251.

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